



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Inland Deserts Region  
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Ontario, CA 91764  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



June 23, 2022  
*Sent via email*

**Governor's Office of Planning & Research**

**Jun 23 2022**

Alex Jauregui, Senior Planner  
City of Victorville  
14343 Civic Drive  
Victorville, CA 92392

**STATE CLEARINGHOUSE**

Subject: Initial Study/Mitigated Negative Declaration  
Site Plan Case No. PLAN22-00004  
State Clearing House No. 2022060066

Dear Mr. Jauregui:

The California Department of Fish and Wildlife (CDFW) received an Initial Study/Mitigated Negative Declaration (ISMND) from the City of Victorville (City) for the Site Plan Case No. PLAN22-00004 Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

## **CDFW ROLE**

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

## **PROJECT DESCRIPTION SUMMARY**

The Project site is in the City of Victorville within San Bernardino County in the State of California; Latitude 34.491111 N and Longitude -117.288611 W. The Project site is bordered by Ottawa Street to the north, Nutro Way to the south, and Enterprise Way and a canal ditch to the west. The Project proposes the development of an approximately 18,000 square foot warehouse and distribution facility for food and beverages on approximately 7 acres on Assessor's Parcel Number (APN) 3090-431-07.

**Timeframe:** Unavailable

## **COMMENTS AND RECOMMENDATIONS:**

Biological resources of concern to CDFW that the Project could potentially impact include burrowing owl (*Athene cunicularia*), nesting birds, Mohave ground squirrel (*Xerospermophilus mohavensis*), pallid bat (*Lasiurus xanthinus*), coast horned lizard (*Phrynosoma blainvillii*) and special-status plants.

The ISMND discloses that a line transect survey was conducted on November 24, 2021 to determine the biological resources that might exist within the proposed Project area, with specific focus on protected, rare, threatened, and endangered species including Mohave ground squirrel, burrowing owl, desert cymopterus (*Cymopterus deserticola*), and Barstow woolly sunflower (*Eriophyllum mohanense*). A total of 4 line transects were walked in a north-south orientation, approximately 660 feet (201 m) long and spaced about 100 feet (30 m) apart and field guides, binoculars, and observations of animal tracks, scat, and burrows were utilized to determine the presence of wildlife species inhabiting the Project area. A total of 11 plant species and 6 wildlife species were observed during the line transect survey and are provided in Table 1 "List of plant species that were observed during the line transect survey of APN 3090-431-07, Victorville, California" of the ISMND. Of the wildlife species observed onsite, the ISMND reported that none were sensitive or species of special concern.

CDFW is aware of the potential for burrowing owl to occur onsite and appreciates the incorporation of Biological Resource (BIO) Mitigation Measure (MM)-1 in the MND, which aims to address the Project's potential impacts to burrowing owl onsite. However, CDFW is concerned that the ISMND did not properly assess presence of burrowing owl

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considering that no focused surveys were conducted. Instead, the ISMND's Biological Resource Assessment recommends conducting burrowing owl pre-construction surveys solely based on the presence of California ground squirrel (*Citellus beecheyi*) burrows onsite. CDFW therefore recommends revisions to MM BIO-1, as per below (see Biological Mitigation Measures) and also as found in Attachment 1 (Mitigation Monitoring and Reporting Program) for inclusion in a final MND to properly assess impacts to burrowing owl.

The ISMND states that no bird nests were found onsite, but surveys were conducted in November, outside of the bird nesting season. The ISMND also states, "Vegetation within the study site does not provide suitable nesting habitat ". CDFW is concerned about potential impacts to nesting birds and disagrees that the Project site does not provide suitable habitat for nesting birds. The Project site is occupied by short vegetation and well-spaced shrubs, which can be utilized by several bird species, including but not limited to killdeer (*Charadrius vociferus*) and CDFW species of special concern Loggerhead shrike (*Lanius ludovicianus*), for foraging, hunting, or nesting. CDFW is further concerned considering Loggerhead shrike is known to occur within the vicinity of the Project and along desert washes such as the two washes west of the Project site and are known to perch along fence lines, such as those bordering the Project site to the west and north. Considering the aforementioned, CDFW recommends the City conduct nesting bird surveys prior to initiating all Project activities as per MM BIO-2 below (see Biological Mitigation Measures).

Further, the ISMND acknowledges that the Project site occurs within range of the California Endangered Species Act (CESA)-threatened, Mohave ground squirrel, but concludes that they are not expected to occur onsite due to the lack of suitable habitat and the presence of the larger more aggressive California ground squirrel, with which the ISMND assumes it is not likely to coexist with. Considering that focused surveys according to CDFW-accepted protocols (i.e., *Mohave Ground Squirrel Survey Guidelines* (CDFG 2010) or most recent version) were not conducted to evaluate presence for Mohave ground squirrel, CDFW believes that the Project's potential impacts to Mojave ground squirrel were improperly assessed and, therefore, recommends the adoption of MM BIO-3 below (see Biological Mitigation Measures).

CDFW is aware of the potential for the pallid bat to occur in the immediate vicinity of the Project area within the box culverts of the canal ditch, which the ISMND did not consider. The pallid bat is a species of special concern and is known to occur in crevices (such as box culverts) with access to open habitats for foraging, such as that on the Project site. Considering the species' high sensitivity to disturbance, CDFW is concerned about the Project's potential impacts to special-status bat species within and adjacent to the Project site and recommends the adoption of MM BIO-4 below (see Biological Mitigation Measures).

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CDFW is also aware of the potential for coast horned lizard, a species of special concern, to occur within the Project area. Coast horned lizards are known to occupy areas with low vegetation and scattered shrubs, such as that found within the Project site, and along sandy washes such as those surrounding the Project. Additionally, coast horned lizards feed primarily on harvester ants, which are among the species identified in the November transect survey. Further, CDFW is concerned that the potential for coast horned lizard to occur was not properly assessed given the transect survey took place in November, during the coast horned lizard's inactive season when they are predominantly underground and are likely to go undetected. As such, CDFW offers MM BIO-5 below (see Biological Mitigation Measures).

CDFW is equally concerned that the potential for sensitive plant species to occur was not properly assessed. Although the ISMND acknowledged the potential for the desert cymopterus, state rank (S) 2 (S2) and the Barstow woolly sunflower (S2) to occur on site no floristic surveys within their blooming seasons (March-May and April-May, respectively) were conducted and as a result the ISMND determined that "no sensitive plant species are expected to exist within the study site". In response to the ISMND's statement that: "It is likely that some annual species were not visible during the time the field survey was performed", please note that according to CDFW's *2018 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities* botanical field surveys should be conducted in a manner which maximizes the likelihood of locating special-status plants and sensitive natural communities that may be present. Botanical field surveys should be conducted in the field at the times of year when plants will be both evident and identifiable. Usually this is during flowering or fruiting. Reference sites (nearby accessible occurrences of the plants) should also be utilized to determine whether those special-status plants are identifiable at the times of year the botanical field surveys take place and to obtain a visual image of the special-status plants, associated habitat, and associated natural communities. As such, CDFW recommends the City adopt MM BIO-6 below (see Biological Mitigation Measures) to properly identify special-status plants within or adjacent to the Project site prior to initiating Project activities.

Lastly, CDFW is aware that a canal ditch with an underground connector to an ephemeral stream lies immediately adjacent to the Project site. Considering that these features are fenced off and lie outside of the proposed Project boundary, CDFW is not particularly concerned with impacts to Fish and Game Code section 1602 resources. However, please note that any changes to the Project could result in the need to either obtain written correspondence from CDFW stating that notification under section 1602 of the Fish and Game Code is not required for the Project, *or*, if notification under section 1602 of the Fish and Game Code is required for the Project, to obtain a CDFW executed Lake and Streambed Alteration Agreement.

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Considering the abovementioned, CDFW recommends the revision of MM BIO-1 and the adoption of MM BIO-2 through MM BIO-6, as per below and also found in Attachment 1 (Mitigation Monitoring and Reporting Program), all for inclusion in a final MND (termed hereafter as 'final MND').

## **Biological Mitigation Measures**

### Burrowing Owl

CDFW appreciates the inclusion of MM BIO-1 to mitigate for impacts to burrowing owl. CDFW offers the following revisions to MM BIO-1 (edits are in ~~strike through~~ and **bold**):

MM BIO-1:

A burrowing owl **pre-construction** survey shall be accomplished by a **qualified biologist no less than 14** ~~within 30~~ days prior to **the initiation of any Project construction activities in accordance with the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012)** ~~to ensure burrowing owls have not moved into the study area. If no burrowing owl(s) are observed onsite during the survey, a letter shall be prepared by the qualified biologist documenting the results. The letter shall be submitted to the California Department of Fish and Wildlife (CDFW). If burrowing owls are discovered during the survey, areas occupied by burrowing owls shall be avoided with properly sized avoidance buffers, as determined and established through marking (i.e., flagging or other appropriate material) by the qualified biologist. No Project activities shall be allowed within the established avoidance buffers.~~

If burrowing owls cannot be avoided by the Project, then the qualified biologist shall prepare and submit a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion Plans) of the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012) to CDFW for review/approval prior to the commencement of Project activities and propose mitigation at no less than 2:1 ratio for permanent loss of occupied burrow(s) and habitat consistent with the 2012 Staff Report on Burrowing Owl Mitigation. Survey results shall be submitted to CDFW following the guidelines provided in Appendix D of the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). Reports shall be emailed to CDFW to Corina Jimenez at [Corina.Jimenez@wildlife.ca.gov](mailto:Corina.Jimenez@wildlife.ca.gov) ~~the guidance outlined in the California Department of Fish and Wildlife titled "Staff Report on Burrowing Owl Mitigation" will be used for addressing burrowing owl issues on the study site (California Department of Fish and Game 2012).~~

### Nesting Birds

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CDFW recommends the adoption of MM BIO-2 below to address potential impacts to nesting birds.

**MM BIO-2:**

**All Project activities onsite shall be conducted outside of nesting season (non-nesting season is typically from September 16 through December 31) to the maximum extent feasible. If Project activities begin during the non-nesting bird season, a qualified biologist shall conduct a pre-Project nesting bird survey to verify the absence of nesting birds within the work area and surrounding 300-foot buffer no more than two hours prior to initiating Project activities.**

**For any Project activity occurring during the nesting season, typically January 1 through September 15 for raptors in southern California and February 1 through September 1 for passerine birds, a qualified biologist shall conduct at least one nesting bird survey, and more if deemed necessary by the qualified biologist, within three (3) days prior to initiation of Project-related activities. If active nests containing eggs or young are found, no work shall be permitted near the nest until the young birds have fledged or the nest is no longer active. A qualified biologist shall establish an appropriate nest avoidance buffer to be marked on the ground. Nest avoidance buffers are species-specific and shall be about 100 feet for passerines and 300 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting species and based on nest and buffer monitoring results. Established buffers shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project is finished. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.**

Mohave Ground Squirrel

CDFW recommends the adoption of MM BIO-3 below to address potential impacts to Mohave ground squirrel

**MM BIO-3:**

**Pre-construction surveys following the *Mohave Ground Squirrel Survey Guidelines* (CDFG 2010), or most recent version shall be performed by a qualified biologist authorized by a Memorandum of Understanding issued by the California Department of Fish and Wildlife (CDFW). The pre-construction surveys shall cover the Project site and a 50- foot buffer zone. Should Mohave ground squirrel presence be confirmed during the survey, the City should obtain an Incidental Take Permit (ITP) for Mohave ground squirrel prior to the start of Project**

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**activities. CDFW shall be notified if Mohave ground squirrel presence is confirmed during the pre-construction survey. If a Mohave ground squirrel is observed during Project activities, and the City does not have an ITP, all work shall immediately stop, and the observation shall be immediately reported to CDFW.**

#### Pallid Bat

CDFW recommends the adoption of MM BIO-4 below to address potential impacts to special-status bats.

#### **MM BIO-4:**

**No more than 30 days prior to the initiation of Project activities a CDFW-approved bat biologist shall conduct nighttime exit count surveys and acoustic surveys for the box culverts within the canal ditch adjacent to the Project in order to determine the numbers and bat species that may be impacted by Project disturbance. The CDFW-approved bat biologist shall identify bats to the species-level and evaluate the colony to determine its size and significance. The results of the pre-construction bat surveys shall be submitted to CDFW for review.**

**If bat presence at the box culverts is confirmed during the surveys, a CDFW-approved bat biologist shall develop a Bat Avoidance, Monitoring, and Protection Plan (BAMPP). The BAMPP will include Project-specific avoidance and minimization measures to ensure that impacts to bats do not occur. The BAMPP shall be implemented by a CDFW-approved bat biologist. The BAMPP shall include Project-specific avoidance and minimization measures that consider but are not necessarily limited to: project phasing and timing and monitoring of project-related noise, vibration, and lighting.**

#### Coast Horned Lizard

CDFW recommends the adoption of MM BIO-5 below to address potential impacts to special-status reptiles.

#### **MM BIO-5:**

**Impacts to special-status reptiles shall be minimized through implementation of pre-construction clearance surveys. Within 2 hours of initiation of Project activities, a qualified biologist shall inspect areas containing suitable habitat, including burrows, sand fields, and rock piles. If any special-status reptiles are detected, the qualified biologist shall either provide the animal sufficient time to leave on its own accord or relocate it out of harm's way and place it in adjacent natural habitat. If any state-listed reptile species is identified, the City shall avoid the species by implementing protective avoidance measures reviewed and**

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**approved by California Department of Fish and Wildlife (CDFW). If full avoidance cannot be accomplished, Project activities shall be postponed until appropriate California Endangered Species Act (CESA) authorization is obtained.**

### Sensitive Plants

CDFW recommends the adoption of MM BIO-6 below to address potential impacts to special-status plants.

#### **MM BIO-6:**

**Prior to the initiation of Project activities, and during the appropriate season, a qualified biologist shall conduct botanical field surveys following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). If any special-status plants are identified, the City shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the City shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank or land acquisition and conservation at a minimum 3:1 (replacement to impact) ratio. Note that a higher ratio may be warranted if the proposed mitigation lands are located far away from the Project site (i.e., within a separate watershed) or is not occupied by or available to special-status species. If the Project has the potential to impact a state-listed species, the City should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.**

### **ENVIRONMENTAL DATA**

CEQA requires that information developed in Environmental Impact Reports and Negative Declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: [Submitting Data to the CNDDDB \(ca.gov\)](#). The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: [CNDDDB - Plants and Animals \(ca.gov\)](#).

### **FILING FEES**

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be

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operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

## CONCLUSION

CDFW requests that the City include in the final MND the suggested mitigation measures (Attachment 1) offered by CDFW to avoid, minimize, and mitigate Project impacts on California fish and wildlife resources.

CDFW appreciates the opportunity to comment on the Site Plan Case No. PLAN22-00004 Project (SCH No. 2022060066) and hopes our comments will assist the City in identifying, avoiding, minimizing, and mitigating Project impacts on fish and wildlife resources.

If you should have any questions pertaining to the comments provided in this letter, please contact Corina Jimenez, Environmental Scientist at [Corina.Jimenez@wildlife.ca.gov](mailto:Corina.Jimenez@wildlife.ca.gov).

## ATTACHMENTS

Attachment 1: MMRP for CDFW-Proposed Mitigation Measures

Sincerely,  
DocuSigned by:



6BBFAB10FE504F9  
(For) Ailsa Ellsworth  
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov).

## REFERENCES

California Department of Fish and Game (CDFG). 2010. Mohave Ground Squirrel Survey Guidelines. (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=83975&inline>)

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: <https://www.wildlife.ca.gov/conservation/survey-protocols>

California Department of Fish and Wildlife. 2018. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Sensitive Natural Communities. Available for download at: <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959&inline>

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## **ATTACHMENT 1: MITIGATION MONITORING AND REPORTING PROGRAM (MMRP)**

### **PURPOSE OF THE MMRP**

The purpose of the MMRP is to ensure compliance with mitigation measures during project implementation. Mitigation measures must be implemented within the time periods indicated in the table below.

### **TABLE OF MITIGATION MEASURES**

The following items are identified for each mitigation measure: Mitigation Measure, Implementation Schedule, and Responsible Party. The Mitigation Measure column summarizes the mitigation requirements. The Implementation Schedule column shows the date or phase when each mitigation measure will be implemented. The Responsible Party column identifies the person or agency that is primarily responsible for implementing the mitigation measure.

<b>Biological (BIO) Mitigation Measure (MM)</b>	<b>Implementation Schedule</b>	<b>Responsible Party</b>
<p>MM BIO-1:</p> <p>A burrowing owl pre-construction survey shall be accomplished by a qualified biologist no less than 14 days prior to the initiation of any Project activities in accordance with the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). If no burrowing owl(s) are observed onsite during the survey, a letter shall be prepared by the qualified biologist documenting the results. The letter shall be submitted to the California Department of Fish and Wildlife (CDFW). If burrowing owls are discovered during the survey, areas occupied by burrowing owls shall be avoided with properly sized avoidance buffers, as determined and established through marking (i.e., flagging or other appropriate material) by the qualified biologist. No Project activities shall be allowed within the established avoidance buffers.</p> <p>If burrowing owls cannot be avoided by the Project, then the qualified biologist shall prepare and submit a passive relocation program in accordance with Appendix E (i.e., Example Components for Burrowing Owl Artificial Burrow and Exclusion</p>	<p>Prior to commencing Project activities</p>	<p>Project Proponent</p>

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<p>Plans) of the 2012 Staff Report on Burrowing Owl Mitigation (CDFG 2012) to CDFW for review/approval prior to the commencement of Project activities and propose mitigation at no less than 2:1 ratio for permanent loss of occupied burrow(s) and habitat consistent with the 2012 Staff Report on Burrowing Owl Mitigation. Survey results shall be submitted to CDFW following the guidelines provided in Appendix D of the Staff Report on Burrowing Owl Mitigation (Department of Fish and Game, March 2012). Reports shall be emailed to CDFW to Corina Jimenez at <a href="mailto:Corina.Jimenez@wildlife.ca.gov">Corina.Jimenez@wildlife.ca.gov</a>.</p>		
<p>MM BIO-2:</p> <p>All Project activities onsite shall be conducted outside of nesting season (non-nesting season is typically from September 16 through December 31) to the maximum extent feasible. If Project activities begin during the non-nesting bird season, a qualified biologist shall conduct a pre-Project nesting bird survey to verify the absence of nesting birds within the work area and surrounding 300-foot buffer no more than two hours prior to initiating Project activities.</p> <p>For any Project activity occurring during the nesting season, typically January 1 through September 15 for raptors in southern California and February 1 through September 1 for passerine birds, a qualified biologist shall conduct at least one nesting bird survey, and more if deemed necessary by the qualified biologist, within three (3) days prior to initiation of Project-related activities. If active nests containing eggs or young are found, no work shall be permitted near the nest until the young birds have fledged or the nest is no longer active. A qualified biologist shall establish an appropriate nest avoidance buffer to be marked on the ground. Nest avoidance buffers are species-specific and shall be about 100 feet for passerines and 300 feet for raptors. A smaller or larger buffer may be determined by the qualified biologist familiar with the nesting phenology of the nesting</p>	<p>Prior to commencing Project activities</p>	<p>Project Proponent</p>

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<p>species and based on nest and buffer monitoring results. Established buffers shall remain on site until a qualified biologist determines the young have fledged or the nest is no longer active. Active nests and adequacy of the established buffer distance shall be monitored daily by the qualified biologist until the qualified biologist has determined the young have fledged or the Project is finished. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance.</p>		
<p>MM BIO-3:</p> <p>Pre-construction surveys following the <i>Mohave Ground Squirrel Survey Guidelines</i> (CDFG 2010), or most recent version shall be performed by a qualified biologist authorized by a Memorandum of Understanding issued by the California Department of Fish and Wildlife (CDFW). The pre-construction surveys shall cover the Project site and a 50- foot buffer zone. Should Mohave ground squirrel presence be confirmed during the survey, the City should obtain an Incidental Take Permit (ITP) for Mohave ground squirrel prior to the start of Project activities. CDFW shall be notified if Mohave ground squirrel presence is confirmed during the pre-construction survey. If a Mohave ground squirrel is observed during Project activities, and the City does not have an ITP, all work shall immediately stop, and the observation shall be immediately reported to CDFW.</p>	<p>Prior to commencing Project activities</p>	<p>Project Proponent</p>
<p>MM BIO-4:</p> <p>No more than 30 days prior to the initiation of Project activities a CDFW-approved bat biologist shall conduct nighttime exit count surveys and acoustic surveys for the box culverts within the canal ditch adjacent to the Project in order to determine the numbers and bat species that may be impacted by Project disturbance. The CDFW-approved bat biologist shall identify bats to the species-level and evaluate the colony to determine its size and significance. The results of the pre-</p>	<p>Prior to commencing Project activities</p>	<p>Project Proponent</p>

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<p>construction bat surveys shall be submitted to CDFW for review.</p> <p>If bat presence at the box culverts is confirmed during the surveys, a CDFW-approved bat biologist shall develop a Bat Avoidance, Monitoring, and Protection Plan (BAMPP). The BAMPP will include Project-specific avoidance and minimization measures to ensure that impacts to bats do not occur. The BAMPP shall be implemented by a CDFW-approved bat biologist. The BAMPP shall include Project-specific avoidance and minimization measures that consider but are not necessarily limited to: project phasing and timing and monitoring of project-related noise, vibration, and lighting.</p>		
<p>MM BIO-5:</p> <p>Impacts to special-status reptiles shall be minimized through implementation of pre-construction clearance surveys. Within 2 hours of initiation of Project activities, a qualified biologist shall inspect areas containing suitable habitat, including burrows, sand fields, and rock piles. If any special-status reptiles are detected, the qualified biologist shall either provide the animal sufficient time to leave on its own accord or relocate it out of harm's way and place it in adjacent natural habitat. If any state-listed reptile species is identified, the City shall avoid the species by implementing protective avoidance measures reviewed and approved by California Department of Fish and Wildlife (CDFW). If full avoidance cannot be accomplished, Project activities shall be postponed until appropriate California Endangered Species Act (CESA) authorization is obtained.</p>	<p>Prior to commencing Project activities</p>	<p>Project Proponent</p>
<p>MM BIO-6:</p> <p>Prior to the initiation of Project activities, and during the appropriate season, a qualified biologist shall conduct botanical field surveys following protocols set forth in the California Department of Fish and Wildlife's (CDFW) 2018 Protocols for Surveying</p>	<p>Prior to commencing Project activities</p>	<p>Project Proponent</p>

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<p>and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities (CDFW 2018). If any special-status plants are identified, the City shall avoid the plant(s), with an appropriate buffer (i.e., fencing or flagging). If complete avoidance is not feasible, the City shall mitigate the loss of the plant(s) through the purchase of mitigation credits from a CDFW-approved bank or land acquisition and conservation at a minimum 3:1 (replacement to impact) ratio. Note that a higher ratio may be warranted if the proposed mitigation lands are located far away from the Project site (i.e., within a separate watershed) or is not occupied by or available to special-status species. If the Project has the potential to impact a state-listed species, the City should apply for a California Endangered Species Act (CESA) Incidental Take Permit (ITP) with CDFW.</p>		
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